

SO ORDERED.



1 **TIFFANY & BOSCO**
2 P.A.
3 **2525 EAST CAMELBACK ROAD**
4 **SUITE 300**
5 **PHOENIX, ARIZONA 85016**
6 **TELEPHONE: (602) 255-6000**
7 **FACSIMILE: (602) 255-0192**

Dated: August 13, 2010

Charles G. Case

CHARLES G. CASE, II
U.S. Bankruptcy Judge

Mark S. Bosco
State Bar No. 010167
Leonard J. McDonald
State Bar No. 014228
Attorneys for Movant

10-10286

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

IN RE:

No. 2:10-bk-10640-CGC

Kenneth Luther NeSmith and Linda Ann NeSmith
Debtors.

Chapter 7

Wells Fargo Bank, N.A.
Movant,

ORDER

vs.

Kenneth Luther NeSmith and Linda Ann NeSmith,
Debtors, S. William Manera, Trustee.

(Related to Docket #22)

Respondents.

Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any, and no objection having been received, and good cause appearing therefore,

IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed

1 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real
2 property which is the subject of a Deed of Trust dated April 7, 2003 and recorded in the office of the
3 Maricopa County Recorder wherein Wells Fargo Bank, N.A. is the current beneficiary and Kenneth
4 Luther NeSmith and Linda Ann NeSmith have an interest in, further described as:

5 LOT SEVENTY SIX (76), SAGUARO WEST IV A, ACCORDING TO THE PLAT OF
6 RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY,
7 ARIZONA IN BOOK 205 OF MAPS, PAGE 33.
8 A.P.N. #: 211-46-180

9 IT IS FURTHER ORDERED that Movant may contact the Debtor(s) by telephone or written
10 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance
11 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement
12 with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against
13 Debtors if Debtors' personal liability is discharged in this bankruptcy case.

14 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter
15 to which the Debtor may convert.

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